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MASTER

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6 SEP 1950

FIFTH REGULAR SESSION OF THE GENERAL ASSEMBLY

ANNOTATED AGENDA

The Fifth Regular Session of the General Assembly of the United Nations will convene on 19 September at Flushing Meadow, New York.

The Provisional Agenda (Document A/1293) containing 62 items was issued on 21 July and the Supplementary List containing 11 items, on 24 August (Document A/1332).

Additional items may be submitted in accordance with Rule 15 of the Assembly's Rules of Procedure which says:-

"Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a regular session or during a regular session, may be placed on the agenda, if the General Assembly so decides by a majority of the Members present and voting. No additional item may be considered until seven days have elapsed since it was placed on the agenda, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, and until a committee has reported upon the question concerned."

At the beginning of a session, the General Committee (which consists of the President, the seven Vice-Presidents and the Chairmen of the six Main Committees) considers the provisional agenda, the supplementary list and any requests for the inclusion of additional items, and reports to the plenary Assembly. On the basis of this report the agenda is adopted, and the various items allocated to appropriate Committees.

The order in which the items so far submitted are listed below is the order in which they appeared in the provisional agenda and the supplementary list. It is not necessarily the order in which they will appear on the agenda as adopted by the Assembly.

The notes given in parentheses after the items are unofficial but are added as background information for correspondents.

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/ITEMS ON PROVISIONAL

ITEMS ON PROVISIONAL AGENDA

1. Opening of the session by the Chairman of the Delegation of the Philippines.

[NOTE: At the opening of each session of the General Assembly, the Chairman of the Delegation from which the President of the previous session was elected presides until the Assembly has elected a President for the new session. General Carlos P. Romulo of the Philippines was President of the Fourth Regular Session held in New York, 20 September to 10 December 1949.]

2. Minute of silent prayer or meditation.

[NOTE: Among the additions to the rules of procedure approved at the Fourth Regular Session was one (Rule 64) by which "immediately after the opening of the first plenary meeting and immediately preceding the closing of the final plenary meeting of each session of the General Assembly, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation."]

3. Appointment of a Credentials Committee.

[NOTE: The Credentials Committee, appointed at the beginning of each session on the proposal of the President, consists of nine members. It examines the credentials of representatives and reports thereon to the Assembly.]

4. Election of the President.

[NOTE: The President is elected by secret ballot and by simple majority. No nominations are permitted. The President holds office until the close of the session.]

5. Constitution of the Main Committees and election of officers.

[NOTE: The Main Committees are: (1) Political and Security Committee; (2) Economic and Financial Committee; (3) Social, Humanitarian and Cultural Committee; (4) Trusteeship Committee; (5) Administrative and Budgetary Committee; and (6) Legal Committee.

It is customary for brief formal meetings of these six Committees to be held in succession in the plenary Assembly hall for the purpose of electing the Chairman for each Committee. Subsequent meetings of the Main Committees are held at Lake Success.]

6. Election of Vice-Presidents.

[NOTE: Seven vice-presidents are elected by secret ballot after the election of the Chairmen of the six Main Committees. Their election takes place after that of the Chairmen of the Main Committees in order that the representative character of the General Committee may be complete. Election is by simple majority.]

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7. Notification by the Secretary-General under Article 12, paragraph 2 of the Charter.

[NOTE: This paragraph of Article 12 states: "The Secretary-General with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security, which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

By paragraph 1 of Article 12, the Assembly is precluded from making any recommendations with regard to any dispute or situation with which the Security Council is dealing, unless the Council so requests.]

8. Adoption of the agenda.

[NOTE: The agenda is adopted after the General Committee has reported to the Assembly on the provisional agenda, the supplementary list and on any requests received for the inclusion of additional items. Adoption is by simple majority.]

9. Opening of the General Debate.

[NOTE: It is the usual practice for heads of Delegations to make general policy statements during the general debate.]

10. Report of the Secretary-General on the work of the Organization.

[NOTE: The annual report of the Secretary-General for the year ending 30 June 1950 has been issued as a printed document (A/1287).]

11. Report of the Security Council.

[NOTE: The Security Council has not yet approved its annual report to the General Assembly.]

12. Report of the Economic and Social Council.

[NOTE: This report is not yet available. The eleventh session of the Economic and Social Council ended in Geneva on 16 August 1950. A round-up of the work of the eleventh session has been issued as Press Release ECOSOC/701.]

13. Report of the Trusteeship Council.

[NOTE: The Report of the Trusteeship Council (Doc. A/1306) covers its first special session held 27 September 1949, its second special session held 8 to 20 December 1949, its sixth session held 19 January to 4 April 1950, and its seventh session, held 1 June to 21 July 1950. The main chapter headings of the Report cover: Organization of the Council; the Council's examination of the annual reports submitted by the Administering Authorities of ten Trust Territories -- Tanganyika (UK), Ruanda-Urundi (Belgium), Cameroons under British administration, Cameroons under French administration, Western Samoa (New Zealand), New Guinea (Australia), Nauru (Australia), Togoland under British administration, Togoland under French administration, Pacific

Islands (US); Petitions; Visits to Trust Territories (West Africa, Trust Territories in the Pacific, and East Africa); Questions specially referred to the Council by the General Assembly, (Administrative Unions, Use of the UN Flag in Trust Territories, Draft Trusteeship Agreement for Somaliland, Question of an international regime for the Jerusalem area and protection of the Holy Places.)

14. Election of three non-permanent members of the Security Council.

[NOTE: The present non-permanent members of the Security Council are Cuba, Ecuador, Egypt, India, Norway and Yugoslavia. The terms of Cuba, Egypt and Norway expire at the end of 1950. Three members are to be elected by secret ballot to fill their places. A two-thirds majority vote is required. Non-permanent members of the Council are elected for a 2-year term. Retiring members are not eligible for immediate re-election.]

15. Election of six members of the Economic and Social Council.

[NOTE: Six of the 18 members of the Economic and Social Council retire each year after serving 3 years on the Council. Election of six members to replace them is by secret ballot and a two-thirds majority is required. Retiring members are eligible for immediate re-election.

The present members of the Council are: Australia, Belgium, Brazil, Canada, Chile, China, Czechoslovakia, Denmark, France, India, Iran, Mexico, Pakistan, Peru, Poland, USSR, United Kingdom, and United States.

The six whose term of office expires at the end of this year are: Australia, Brazil, Denmark, Poland, USSR, United Kingdom.]

16. Election of two members of the Trusteeship Council.

[NOTE: The Trusteeship Council is composed of members administering trusteeship areas plus the five permanent members of the Security Council (China, France, United Kingdom, United States and USSR), together with as many non-administering countries, elected by the Assembly for three year terms, as are required to ensure on the Council an equal number of countries which administer Trust Territories and of those which do not.

The present membership of the Trusteeship Council is as follows:-
(Administering Countries): Australia, Belgium, France, New Zealand, United States, United Kingdom.

(Permanent members of the Security Council not administering trust territories): China, USSR.

(Elected countries not administering trust territories): Argentina, Dominican Republic, Iraq, Philippines.

The terms of the Dominican Republic and the Philippines expire at the end of 1950 and two members have to be elected to replace them. Elected members of the Council are eligible for immediate re-election on expiry of their 3-year term.]

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17. Appointment of the Secretary-General of the United Nations

[NOTE: The Secretary-General of the United Nations is elected by the General Assembly on the recommendation of the Security Council. The recommendation of the Security Council requires the concurring votes of the five permanent members. The election by the Assembly is by simple majority.

By decision of the General Assembly in 1946, the first Secretary-General was appointed for a term of five years, the appointment being open at the end of that period for a further five year term.

On 30 January 1946, the Security Council decided to recommend to the General Assembly that Mr. Trygve Lie, Foreign Minister of Norway, be appointed Secretary-General. Upon this recommendation, the General Assembly on 1 February 1946 appointed Mr. Lie as Secretary-General and his official installation took place at a plenary meeting held on 2 February 1946 when Mr. Lie took the oath of office. His present term of office expires 2 February 1951.]

18. Installation of the Assistant Secretary-General in charge of Conference and General Services.

[NOTE: On 13 January 1950, Mr. Shamaaldharee Lall of India was appointed Assistant Secretary-General in charge of Conference and General Services, succeeding Mr. Adrian Pelt who had been elected by the last session of the General Assembly to be UN Commissioner in Libya. A biographical note on Mr. Lall is given in Press Release ORG/124.

The staff regulations of the UN provide that the UN oath be made by Assistant Secretaries General at a public meeting of the Assembly.]

19. Admission of new members: advisory opinion of the International Court of Justice (resolution 296 J(IV) of 22 November 1949).

[NOTE: By the above resolution the General Assembly requested the International Court of Justice to give an advisory opinion on the following question:

"Can the admission of a State to membership in the United Nations, pursuant to Article 4, paragraph 2, of the Charter, be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend?"

On 3 March 1950 the Court gave the following advisory opinion:

"...The Court, by twelve votes to two, is of the opinion that the admission of a State to membership in the United Nations, pursuant to paragraph 2 of Article 4 of the Charter cannot be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission, by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent Member upon a resolution so to recommend."

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Paragraph 2 of Article 4 of the Charter reads as follows: "The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

20. Palestine

- (a) Question of an international regime for the Jerusalem area and protection of the Holy Places: special report of the Trusteeship Council (resolution 303 (IV) of 9 December 1949).

NOTE: In this resolution adopted on 9 December 1949, the General Assembly requested the Trusteeship Council to complete the preparation of the Statute of Jerusalem (Doc. T/118/Rev.2 of 21 April 1948), omitting now inapplicable provisions, "and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in the resolution of 29 November 1947, introducing therein amendments in the direction of its later democratization, approve the Statute."

The Trusteeship Council held a special session from 8 to 20 December 1949 on this question, and entrusted its President, Roger Garreau of France, with the task of preparing a working paper on the Statute, to be submitted to the Council. This report was considered by the Trusteeship Council at its sixth regular session in Geneva when the Council decided to proceed with a revision of the draft Statute prepared in 1948. The Statute, defining the special international regime for the City of Jerusalem as a corpus separatum under UN administration, was approved on 4 April 1950 (Doc. T/592). The Council asked its President to transmit the text of the Statute to the Governments of the States at present occupying the area of the City of Jerusalem, Israel and Jordan, and to ask these two Governments' full cooperation.

At the Council's seventh session in June 1950 at Lake Success, the President reported to the Council that results had proved disappointing.

On 14 June 1950 the Council adopted a resolution stating that since it had "received no reply from the Government of the Hashemite Kingdom of Jordan and an expression of views from the Government of Israel as a result of which it appears that neither government is prepared to collaborate in the implementation of the Statute as approved by the Trusteeship Council, the Council was submitting to the Assembly a report on the Council's work on this question, copies of the Statute and of the Council President's reports, and the reply of the Government of Israel" (Doc. A/1286).

- (b) Assistance to Palestine Refugees: report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (resolution 302 (IV) of 8 December 1949).

NOTE: This Agency was established by the Assembly "to carry out in collaboration with local governments the direct relief and works programs as recommended by the Economic Survey Mission" (see Doc. A/1106) and to "consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works products is no longer available."

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An Advisory Commission, consisting of representatives of France, Turkey, the United Kingdom and the United States, was established at the same time. The resolution estimated that the equivalent of \$33,700,000 would be required for direct relief and works programs for the period 1 January to 31 December 1950, of which \$20,200,000 would be required for direct relief and \$13,500,000 for works programs; also, that \$21,200,000 would be required for works programs from 1 January to 30 June 1951. Direct relief was to be terminated not later than 31 December 1950 "unless otherwise determined by the Assembly at its fifth regular session."

The Secretary-General announced on 7 March that Howard Kennedy of Canada had been appointed Director of the Agency. The Director's report to the Assembly has not yet been submitted.

21. Former Italian colonies (resolution 289 (IV) of 21 November 1949).

(a) Report of the United Nations Commissioner in Libya.

[NOTE: The General Assembly on 10 December 1949 elected Adrian Pelt of the Netherlands, then Assistant Secretary-General in charge of Conference and General Services, to the post of United Nations Commissioner in Libya. His task, according to the Assembly's resolution of 21 November 1949, is to assist the people of Libya in the formulation of a constitution and the establishment of an independent government. The Assembly decided that Libya, comprising Cyrenaica, Tripolitania and the Fezzan, is to be constituted an independent and sovereign state, effective not later than 1 January 1952. A ten-member Council "to aid and advise" the United Nations Commissioner, was agreed upon, with the following membership: (a) one representative from each of the following countries: Egypt, France, Italy, Pakistan, the United Kingdom and the United States, and (b) one representative of the people of each of the three regions of Libya and one representative of the minorities in Libya.

The report of the Commissioner has not yet been submitted. The Advisory Council has been meeting in Geneva to consider the report.

(b) Report of the Administering Powers in Libya

[NOTE: This report has not yet been submitted. Of the three regions comprising Libya, the United Kingdom is at present administering Cyrenaica and Tripolitania; France administers Fezzan.]

(c) Draft Trusteeship Agreement for Italian Somaliland: special report of the Trusteeship Council.

[NOTE: The General Assembly's resolution of 21 November 1949 provided that the former Italian colony of Somaliland should become an independent sovereign state at the end of 10 years from the date of approval of a Trusteeship Agreement by the General Assembly. During the interim period the territory was to be placed under the International Trusteeship System, with Italy as the Administering Authority, "aided and advised" by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines. The Trusteeship Council was directed to negotiate with the Administering Authority the draft of a Trusteeship Agreement for the territory, to be submitted to the Assembly not later than the Fifth regular session.

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The Trusteeship Council took up this question at a special session at Lake Success in December 1949 and at its regular session in Geneva in January 1950. On 27 January 1950 the Council unanimously adopted a draft Trusteeship Agreement and a Declaration of Constitutional Principles (Doc. A/1294). The provisional administration of the former colony was formally transferred from British military occupation to Italian trusteeship on 1 April 1950.]

(d) Report of the United Nations Commission for Eritrea.

[NOTE: The General Assembly's resolution of 21 November 1949 established a Commission of five members (Burma, Guatemala, Norway, Pakistan and the Union of South Africa) "to ascertain more fully the wishes and the best means of promoting the welfare of the inhabitants of Eritrea, to examine the question of the disposal of Eritrea and to prepare a report for the General Assembly, together with such proposal or proposals as it may deem appropriate for the solution of the problem of Eritrea." The Interim Committee was to consider the report and proposal or proposals, and make a report of its own, with conclusions, to the fifth regular session of the Assembly.

The report of the Commission, a 129-page printed document (Doc. A/1285), puts forward three different solutions for the problem:

(1) That Eritrea be constituted a self-governing unit of a federation of which the other member would be Ethiopia, under the sovereignty of the Ethiopian crown. (Proposed by the delegations of Burma and the Union of South Africa.)

(2) Reunion of the whole territory of Eritrea with Ethiopia, it being understood that the Western Province of Eritrea could provisionally and for a limited period of time be left under the present British administration. (Proposed by the delegation of Norway.)

(3) That Eritrea be placed under direct United Nations trusteeship for a maximum period of 10 years, at the end of which it should become completely independent. (Proposed by the delegations of Guatemala and Pakistan.)]

(e) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea.

[NOTE: The Interim Committee has not yet completed its consideration of this question.]

(f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies insofar as they are not already fixed by international agreement.

[NOTE: The Interim Committee has not yet begun debate on this question.]

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22. Threats to the Political Independence and Territorial Integrity of Greece (resolution 288 (IV) of 18 November 1949).

- (a) Report of the United Nations Special Committee on the Balkans.
- (b) Repatriation of Greek children: report of the Secretary-General.

[NOTE: (a) Last year the General Assembly renewed the UN Special Committee on the Balkans (UNSCOB); recommended that Members embargo arms to Albania and Bulgaria; then found to be the chief sources of aid to Greek guerrillas; called upon all states harbouring Greek guerrillas to co-operate with UNSCOB in the verification of the disarming and disposition of Greek guerrillas who had entered their territories; and urged the repatriation of Greek children.

In a report to this session (Doc. A/1307), UNSCOB declares that a continuing potential threat to Greek political independence and territorial integrity is to be found at present chiefly in Bulgaria. It records the view that, with the elimination of large scale guerrilla activity along Greece's northern frontiers, the threat to Greek independence has altered in character and notes that the disarming and disposition of the thousands of guerrillas who fled beyond the northern frontiers have not been verified by an international agency. It expresses the gravest concern that no Greek children have as yet been returned to their homes. This problem, says the UNSCOB, constitutes a continuing source of international friction and a standing challenge to the UN and to the most elementary humanitarian principles. The report says UNSCOB has noted a number of indications of possible improvement in Greek-Yugoslav relations. The report submits eight specific recommendations for assembly approval designed to restore normal relations between Greece and her northern neighbors.

The report is signed by all nine delegations serving on UNSCOB (Australia, Brazil, China, France, Mexico, Netherlands, Pakistan, United Kingdom and United States). While appointed to UNSCOB, Poland and the USSR have refused to participate in its work.

A summary of the UNSCOB report is contained in Press Release BAL/724.]

[NOTE: (b) The report of the Secretary-General on the repatriation of Greek children has not yet been issued.]

23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations: report of the Interim Committee of the General Assembly (resolution 292(IV) 8 December 1949)

[NOTE: In the first of two resolutions adopted on this question on 8 December 1949, the General Assembly, "desiring to promote the stability of international relations in the Far East," called upon all states to respect the independence of China; to "respect the right of the people of China now and in the future to choose freely their political institutions

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and to maintain a government independent of foreign control;" to respect existing treaties relating to China, and to "refrain from (a) seeking to acquire spheres of influence or to create foreign controlled regimes within the territory of China; (b) seeking to obtain special rights or privileges within the territory of China."

In the second of the resolutions (292 (IV)) the Assembly decided to refer this item, and any other charges of violations of the principles contained in its resolution on the promotion of the stability of international relations in the Far East, to the Interim Committee "for continuous examination and study in the light" of that resolution. The Interim Committee was directed to report, with recommendations, to the next session of the General Assembly, or if necessary, to bring it to the attention of the Security Council through the Secretary-General.

The Interim Committee has not yet taken action on this question.⁷

24. The problem of the independence of Korea: report of the United Nations Commission on Korea (resolution 293 (IV) of 21 October 1949).

[NOTE: In this resolution the General Assembly resolved to "continue in being" the seven-member Commission on Korea (Australia, China, El Salvador, France, India, the Philippines and Turkey), with instructions to "observe and report any developments which might lead to or otherwise involve military conflict in Korea;" to make available its good offices and be prepared to assist, if possible, in bringing about the unification of Korea, and to be available for observation and consultation throughout Korea in the "continuing development of representative government based on the freely-expressed will of the people." The Commission was authorized to appoint observers in order to accomplish these and other tasks.

On 25 June 1950 the Commission cabled the Secretary-General that attacks had been "launched in strength" that day "by North Korean forces all along the 38th parallel" and drew attention to a "serious situation developing which is assuming character of full-scale war and may endanger maintenance of international peace and security." The Commission suggested that the matter be brought to the attention of the Security Council (Doc. S/1496 and Corr.1).

(It will be recalled that the Security Council met on 25 June and adopted a resolution determining the attack to be a "breach of the peace" and calling for "immediate cessation of hostilities." The resolution also called upon "the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel: and asked "all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities" (Doc. S/1501).

(Two days later, on 27 June, the Security Council met again and followed up the earlier resolution with a recommendation to all Member States of the United Nations to "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area" (Doc. S/1511). The resolution noted that the North Korean authorities had neither ceased hostilities nor withdrawn their forces to the 38th parallel, as called for by the resolution of 25 June.

FIFTH COMMUNIST PARTY...
(Then, on 7 July 1950 the Council adopted a third resolution recommending that all Members providing military forces and other assistance pursuant to the two earlier resolutions "make such forces and other assistance available to a Unified Command under the United States" (Doc. 3/1588). The United States was requested to designate the commander of these forces, and General Douglas MacArthur was named Commander-in-Chief on 8 July.

(On 14 July the Secretary-General cabled the 52 Member Governments which had given a favorable reply to the Security Council resolution of 25 June or to its resolution of 27 June, asking if these governments would consider the possibility of providing assistance to the Unified Command, including combat forces, particularly ground forces. By 22 August 43 governments had replied. These replies are summarized in Press Release IM/1813 and Adds. 1 through 4.

(In August, 13 meetings of the Security Council were devoted to the Korean question, but no substantive decisions on the issue were taken.)

The UN Commission on Korea has not yet submitted its report to the Assembly.7

25. Observance in Bulgaria, Hungary and Rumania of human rights and fundamental freedoms: advisory opinion of the International Court of Justice (resolution 294 (IV) of 22 October 1949).

NOTE: The question of observance of human rights and fundamental freedoms in Bulgaria and Hungary was the subject of a General Assembly resolution at its third regular session, when it expressed "deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries." The resolution also drew the attention of these countries to their obligations under the Peace Treaties, including the obligation to cooperate in the settlement of all these questions.

The question was again raised at the fourth regular session when the Assembly expressed its "continuing interest in and its increased concern at the grave accusations made against Bulgaria, Hungary and Rumania." Having declared that the refusal of these three governments to cooperate in its efforts to examine the charges brought against them justified its concern, the Assembly decided to submit four questions to the International Court of Justice for an advisory opinion:

"I. Do the diplomatic exchanges between Bulgaria, Hungary and Rumania, on the one hand, and certain Allied and Associated Powers signatories to the Treaties of Peace, on the other, concerning the implementation of Article 2 of the Treaties with Bulgaria and Hungary and Article 3 of the Treaty with Rumania, disclose disputes subject to the provisions for the settlement of disputes contained in Article 36 of the Treaty of Peace with Bulgaria, Article 40 of the Treaty of Peace with Hungary and Article 38 of the Treaty of Peace with Rumania?

"In the event of an affirmative reply to question I:

"II. Are the Governments of Bulgaria, Hungary and Rumania obligated to carry out the provisions of the articles referred to in question I including the provisions for the appointment of their representatives to the Treaty Commissions?

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"In the event of an affirmative reply to question II and if, within thirty days from the date when the Court delivers its opinion, the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, and the Secretary-General has so advised the International Court of Justice:

"III. If one party fails to appoint a representative to the Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Rumania where the party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to a dispute according to the provisions of the respective Treaties?

"In the event of an affirmative reply to question III:

"IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute?"

On 30 March 1950, the Court answered the first two questions. By 11 votes to 3 it gave the opinion that the diplomatic exchanges referred to in question I had disclosed disputes subject to the provisions in the Peace Treaties for settlement of disputes; and that Bulgaria, Hungary and Rumania were obligated to carry out those provisions including the appointment of their representatives to the Treaty Commissions.

On 18 July 1950, the three countries concerned having failed to appoint representatives to the Treaty Commissions in the requisite period of thirty days, the Court gave a second opinion in answer to question III. By a vote of 11 to 2 the Court's answer was "that if one party fails to appoint a representative to a Treaty Commission under the Peace Treaties with Bulgaria, Hungary and Rumania, where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute."

26. International control of atomic energy (resolution 299 (IV) of 23 November 1949.)

[NOTE: In this resolution the General Assembly urged all nations to join in a "cooperative development and use of atomic energy for peaceful ends," and called upon governments to do everything in their power to make possible, by the acceptance of effective international control, the prohibition and elimination of atomic weapons. The Assembly also recommended "that all nations, in the use of their rights of sovereignty, join in mutual agreement to limit the individual exercise of those rights in the control of atomic energy to the extent required...for the promotion of world security and peace," and "that all nations agree to exercise such rights jointly."

The Assembly requested the permanent members of the Atomic Energy Commission (Canada, China, France, the Soviet Union, the United Kingdom and the United States) "to continue their consultations, to explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement." The permanent members

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of the Atomic Energy Commission had originally been requested by the Assembly in its resolution of 4 November 1948 "to meet together and consult in order to determine if there exists a basis for agreement on the international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons."

In accordance with the resolution of 23 November 1949, the permanent members met on 20 December 1949 and again on 19 January 1950. At the latter meeting, the Soviet delegate objected to the presence of the representative of China and submitted a proposal for his exclusion from the consultations of the group. The other delegates present voted this proposal out of order, and the Soviet delegate left the meeting, after stating that he would not participate in the consultations so long as the present Chinese representative remained, and that he would not recognize as legal any decisions adopted by the group.

The other five representatives then sent a communication, dated 27 January 1950, to the Secretary-General, stating their view that since the primary purpose of the consultations was to reconcile the divergent views of the Soviet Union on one side, and of the other five permanent members on the other, it would be impossible for them to achieve this purpose so long as the Soviet Government refused to take part in the talks. The five members had agreed, however, "to remain in close contact with one another" and to "meet and consult with each other on such limited objectives as are possible of achievement under the circumstances."

The letter was later circulated to all Member States, along with the summary record of the 19 January 1950 meeting of the six permanent members, the fourteenth they had held (Doc. A/1253).]

27. Action to achieve or maintain full employment and economic stability:
report of the Economic and Social Council (resolution 308 (IV) of
25 November 1949)

[NOTE: At the request of the Economic and Social Council (11 August 1949) the Secretary-General convened a group of five experts to prepare a report on national and international measures to achieve full employment. This step was approved by the General Assembly in its resolution 308 (IV) of 25 November 1949. National and international action to achieve and maintain full employment, the resolution emphasized, "is a basic requirement of the achievement of a stable and expanding world economy." It recommended that each government consider as a matter of urgency its international responsibility under Articles 55 and 56, to promote and maintain full and productive employment; requested the ECOSOC in its further consideration to give attention to unemployment and underemployment especially in underdeveloped countries and particularly in critical fields such as agriculture; and decided to review the world economic situation again at its next session "in the light of Articles 55 and 56 of the Charter."

The group of experts met from 22 October to 16 December and submitted a unanimous report, "National and International Measures for Full Employment" (Doc. E/1584). The report was distributed to Governments and specialized agencies and examined by the Council's Economic and Employment Commission.

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The Council discussed the subject for several days at its recent session in Geneva and on August 15, 1950 unanimously adopted the resolution now before the General Assembly. The major recommendations of this comprehensive resolution (Doc. E/1840) may be summarized as follows:

- (A) Recommendations to ensure regular and systematic consideration by the Council: To place full employment on its agenda once every year beginning 1951;
- (B) Recommendations for Effective Domestic Full Employment Policies:-
Annual statements by governments of their economic objectives referring specially to Articles 55 and 56, with quantitative goals or forecasts on employment, production, consumption, investment and other pertinent measurable economic factors of significance; publication by each government as soon as practicable of the standard by which it defines full employment as a continuing objective of policy; each government to formulate, announce and review policies, programs and techniques which it intends to pursue to achieve the goals set; each government to review continuously the adequacy of its arrangements to formulate and pursue these policies; each government to furnish full information to the Secretary-General's questionnaires on this subject; the Secretary-General to assemble and analyze the replies from the governments, specially the statistical basis of full employment standards and to transmit the analyses to the Economic, Employment and Development Commission; request to ILO to take all further steps possible to implement the recommendations of the sixth International Conference of Labor Statisticians to facilitate international comparability of relevant data.

These reports, analyses and studies are to be examined by the Economic, Employment and Development Commission, special attention to be called to the repercussions of the policies of governments on the economic situation of other countries.

- (C) Recommendations for Effective International Full Employment Policies:

Each government to intensify its efforts to achieve and maintain equilibrium in its balance of payments at the highest possible level of mutually beneficial trade; this equilibrium to be characterized by the absence of quantitative restrictions, reduced trade barriers and minimum discrimination in the application of restrictions; by sufficient gold and convertible resources to meet normal fluctuations; and an increased and stable flow of international investment funds. Accordingly, governments are requested to furnish the Secretary-General with information and answers to a special questionnaire. The Secretary-General is asked to prepare this special questionnaire with the assistance of experts.

The resolution then emphasizes the importance of a high level and regular flow of international investment capital and of the need to prevent lapses in the flow associated with economic recessions. These specific recommendations to governments are that they should seek to avoid measures likely to have serious adverse effects on the balance of payments position or employment levels of other countries; that in the event of a domestic recession they should try to offset such consequences on the balance of payments and employment levels of other countries; that they should continue to co-operate to investigate ways and means of preventing the spread of such recession.

In the event of a recession, the International Bank is recommended to take all possible opportunities of increasing its resources and expanding the volume of its lending - *inter alia* by making the fullest use of its borrowing capacity. The International Monetary Fund is also recommended to assist its members as fully and readily as its Articles permit. In addition the Secretary-General is instructed to appoint a small group of experts to study alternative practical ways of reducing the international impact of recessions and the Economic, Employment and Development Commission is to study the report and make recommendations to the Council.

(D) Recommendations to facilitate the international mobility of labor for the solution of full employment problems.

Governments, specialized agencies and the Secretary-General are recommended to pursue action already taken in the field of migration.

In a final series of recommendations the Council took action for further study of unemployment particularly in the less developed countries. The Secretary-General is requested to appoint a small group of experts to study national and international measures to cope with unemployment and under-employment in under-developed countries. The Economic, Employment and Development Commission is to study this report and make recommendations for action to the Council. The Secretary-General and the specialized agencies are to give technical assistance to governments asking for it for the purpose of implementing this resolution.]

28. Economic development of under-developed countries: report of the Economic and Social Council (resolution 306 (IV) of 16 November 1949)

[NOTE: On 16 November last year, the Assembly recommended that the Economic and Social Council should report annually on measures being taken to promote economic development, together with recommendations for improving such measures, if necessary. At the same time, the Assembly looked forward specifically to receiving the Council's studies and recommendations on international action concerning the urgent problems of all aspects of financing the economic development of under-developed countries.

These problems, and methods of meeting them, were considered at the eleventh session of the Council. Prior to this, however, a group of experts appointed by the Secretary-General, prepared a report on increasing and channelizing domestic savings for development purposes. Further consideration was given to financing problems by the Sub-Commission on Economic Development, whose report, together with that of the experts, provided background for the Council's deliberations.

The Council recognized that a more rapid increase of production in under-developed countries was essential not only to raise employment levels and living standards but also for the growth of world economy. For speeding up their economic development it was not only necessary to mobilize domestic savings more effectively but also to have an expanded and more stable flow of foreign capital investment. The Council accordingly drew up a number of specific recommendations to these ends. (Text of Council's resolution on methods of financing economic development is given in Doc. E/1843).

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The Council's report to the Assembly (not yet issued) will cover work done in the field of technical assistance as well as other aspects of economic development.

There are two United Nations technical assistance programs. One, the so-called "regular" program, is financed out of the regular United Nations budget. Last year the Assembly placed it on a continuing basis (resolution 305 (IV) of 16 November). The second is the expanded program, a cooperative effort of the United Nations and the specialized agencies. This is financed out of a Special Account, made up of voluntary contributions from governments. A conference was held at Lake Success from 12-14 June this year to finalize arrangements for financing this program (resolution 304 (IV) of 16 November 1949 and ECOSOC resolution 222 (IX) A, of 15 August 1949).

At its eleventh session the Council recommended (Doc. E/1845 of 15 August 1950) that the Assembly note with approval that the Secretary-General had included the same amount for the regular program in his 1951 budget as the Assembly had appropriated for it in 1950. By the same Council resolution, the Assembly would recommend that requests to the Secretary-General for technical assistance which cannot be financed out of the regular United Nations budget for this would be eligible for financing from the Special Account set up for the expanded program.

29. Co-ordination between the United Nations and the specialized agencies:

- (a) Agreements between the United Nations and the specialized agencies: report of the Economic and Social Council (resolution 309 (IV) of 24 November 1949)

[NOTE: At its last session, the Assembly asked the Economic and Social Council to report on possible revisions to the agreement between the United Nations and specialized agencies. Acting on the report of its Co-ordination Committee (E/1810), the Council recommended (E/1841) that unless the matter were raised by the Assembly, the Secretary-General, or any specialized agency, it would be unnecessary for the Council to consider the question of revisions until more experience in the working of the agreements had been obtained.]

- (b) Concentration of effort and resources: report of the Economic and Social Council (resolution 310 (IV) of 24 November 1949)

[NOTE: At its last session the Assembly recommended various measures to counter the proliferation of activities and multiplicity of projects and programs which might impair the effectiveness of the United Nations and specialized agencies. The Secretary-General was asked to assist the Council to this end. In a report to the Council's eleventh session, prepared in consultation with the specialized agencies (E/1683 and Add.1) he put forward a number of specific measures with a view to concentrating the efforts and resources of the United Nations and the specialized agencies. Approving his proposals, the Council decided to transmit his report to the Assembly, together with the conclusion of its Co-ordination Committee on the matter (Doc. E/1810)]

- (c) Administrative budgets of the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions.

[NOTE: In accordance with the agreements between the United Nations and the specialized agencies (other than the International Bank and the

International Monetary Fund) the General Assembly examines the administrative budgets of the specialized agencies, making recommendations if necessary. Among the background papers on this, the Assembly will have before it a report by the Advisory Committee on Administrative and Budgetary questions (not yet issued).]

- (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies: report of the Secretary-General.

[NOTE: On 24 November last year (resolution 311.(IV)) the Assembly asked the Secretary-General and the heads of the specialized agencies to intensify their efforts to achieve a common form of budget. It also asked them to continue their studies of the organization of administrative and financial services to achieve maximum economy and efficiency. To this end, there will be a report by the Secretary-General (not yet issued) which reviews what has been done in the past year on administrative and budgetary co-ordination and makes a number of recommendations on this matter, which was also considered at the eleventh session of the Economic and Social Council.]

30. Draft Convention on Freedom of Information: report of the Economic and Social Council (resolution 313 (IV) of 20 October 1949)

[NOTE: At the second part of its third session in 1948, the General Assembly approved a Convention on the International Transmission of News and the Right of Correction. It also began consideration of a draft Convention on Freedom of Information, drawn up by the United Nations Conference on Freedom of Information and of the Press and transmitted to the Assembly by the seventh session of the Economic and Social Council. The Assembly decided to refer the draft to its fourth session, resolving at the same time that until it had taken definite action, the Convention on the International Transmission of News and the Right of Correction should not be open to signature.

The fourth session of the Assembly recommended to the Economic and Social Council that it request the Commission on Human Rights to include in the draft Covenant of Human Rights adequate provisions on freedom of information, taking into account the work already done on the draft Convention on Freedom of Information (Docs. A/961 and A/C.3/518). At the same time, it decided to postpone further action on the draft Convention on Freedom of Information to its fifth session pending receipt of, or a progress report on, the draft International Covenant of Human Rights. (See also item #7 of the Supplementary List at the end of this release.)]

31. Advisory social welfare services: report of the Economic and Social Council (resolution 316 (IV) of 17 November 1949).

[NOTE: At its fourth session, the Assembly authorized the Secretary-General to place on a continuing basis, rather than on the former year-to-year basis, the advisory social welfare services originally authorized by the Assembly in 1946. At the same time, the Assembly requested the Economic and Social Council to review the terms of the original resolution in the light of this decision and of discussions and suggestions made in the Third Committee, and to recommend any necessary modifications to its next session.

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Accordingly, the Council at its last session unanimously recommended on 18 July 1950 (Doc. E/1782) that the Assembly should authorize the Secretary-General: (1) to arrange for a requisite number of social welfare experts to provide advisory services at the request of governments to help put into practice new social welfare methods; (2) to make provision for suitably qualified social welfare officials to observe and familiarize themselves with the experience and practice of other countries in any social welfare branch; (3) to provide a service to enable those unable to obtain professional social welfare training in their own countries to receive such training in other countries having the necessary facilities; (4) to plan experimental or demonstration projects in various phases of social welfare, with the tools and equipment needed; (5) to furnish technical films and publications; and (6) to plan and conduct seminars.

Under the Council's recommendation the Secretary-General would be authorized to budget the sums necessary to make this operational program effective and would be instructed to carry out the program in accordance with three policies: (1) the government concerned shall decide the kind of service to be rendered; (2) the Secretary-General shall furnish the experts and services; and (3) the Secretary-General shall decide the amount of services and the conditions under which they are to be furnished to the various countries, having due regard to the greater needs of the under-developed areas and in accordance with the principle that each requesting government will participate financially to the maximum possible extent.

Lastly, the Secretary-General should report regularly on the measures he had taken to the Social Commission so that the latter might formulate additional recommendations from time to time.]

32. Refugees and Stateless Persons (resolutions 319 (IV) of 3 December 1949).

- (a) Provisions for the functioning of the High Commissioner's Office for Refugees: draft resolution proposed by the Economic and Social Council.

[NOTE: On 3 December 1949 the General Assembly decided to establish as of 1 January 1951 a High Commissioner's Office for Refugees. (The International Refugee Organization is scheduled to go out of existence on 31 March 1951.) The Assembly resolution outlined the functions of the High Commissioner and requested the Secretary-General to submit to the Economic and Social Council draft provisions to implement the resolution and a draft budget. The Council was asked to consider these and submit to the Assembly provisions for the functioning of the office together with recommendations for defining the term "refugee."

At its eleventh session the Economic and Social Council considered the Secretary-General's draft (E/1669) and adopted a draft resolution on 16 August 1950 (E/1835). By its terms the General Assembly would call upon the governments to cooperate with the High Commissioner in a number of specific measures such as becoming parties to conventions on refugees and implementing them, making special arrangements to improve the situation of refugees, admitting refugees to their territories, cooperating in voluntary repatriation, promoting assimilation and naturalization of refugees, providing travel and other documents, permitting transfer of assets, and informing the High Commissioner on the refugee position.

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To this draft resolution the Council annexed a Statute of the High Commissioner's Office covering the general principles; organization; powers, functions and competence; and other provisions.]

- (b) Definitions of the term "refugee" to be applied by the High Commissioner for Refugees: recommendations of the Economic and Social Council.

[NOTE: Definition of the term "refugee" was set forth by the Economic and Social Council at its eleventh session as Article I of the draft Convention relating to the status of refugees.

In the ECOSOC discussions preceding adoption of the draft, two opposing views had been expressed. One advocated that the definition should set out specific categories of refugees; the other urging a broad definition covering all legitimate refugees. By a vote of 10 to 2 with 3 abstentions, the Council adopted a definition which sets out specific categories to which the term "refugee" shall apply:

"(1) who in the period between 1 August 1914 and 15 December 1946 was considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, and the protocol of 14 September 1939;

"(2) who has been accepted by the International Refugee Organization as falling under its mandate;

"(3) who has had, or has, well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion, as a result of events in Europe before 1 January 1951, or circumstances directly resulting from such events, and owing to such fear, has had to leave, shall leave, or remains outside the country of his nationality, before or after 1 January 1951, and is unable, or owing to such fear or for reasons other than personal convenience unwilling, to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, has left, shall leave, or remains outside the country of his former habitual residence."]

- (c) Problems of assistance to refugees: Memorandum from the General Council of the International Refugee Organization of 20 October 1949.

[NOTE: The IRO memorandum of 20 October 1949 which dealt with the cessation of IRO operations, and with the special difficulties the IRO was encountering in completing its program, was considered by the Assembly at its last session, which on 3 December 1949 decided to address an urgent appeal to all states to furnish the IRO with the widest possible assistance, and further decided to postpone until the fifth session "the examination of the problem of assistance raised by the (IRO) memorandum should these problems still be in existence at that date.]

- (d) Election of the High Commissioner for Refugees.

[NOTE: According to the Statute of the High Commissioner's Office as recommended by the ECOSOC for Assembly approval (Doc. E/1835), the High Commissioner "shall be elected by the General Assembly on the nomination of the Secretary-General. The terms of appointment of the High Commissioner shall be proposed by the Secretary-General and approved by the General Assembly. The High Commissioner shall be elected

for a term of three years from 1 January 1951..." It is also proposed that the High Commissioner's Office for Refugees be located in Geneva.

* * *

[NOTE: The ECOSOC also adopted two other resolutions on refugees and stateless persons at its eleventh session (E/1818). By the first it submitted to the Assembly the report of the ad hoc Committee on Refugees and Stateless Persons which contains a Draft Convention relating to the status of refugees, together with the comments of the governments; instructed the Secretary-General to re-convene the ad hoc Committee so that it may prepare a revised draft for the Assembly. In the other resolution the Council recommended that states involved in changes of territorial sovereignty should provide for the avoidance of statelessness; invited states to examine applications for naturalization sympathetically and, if necessary, re-examine their nationality laws; and requested the Secretary-General to seek information from states on these matters and report to the Council. The resolution also urged the International Law Commission to expedite the necessary draft convention or conventions to eliminate statelessness (see also Item 4 of Supp. list).]

33. Administrative unions affecting Trust Territories: report of the Trusteeship Council (resolution 326 (IV) of 15 November 1949).

[NOTE: In November 1948, the General Assembly endorsed the observations of the Trusteeship Council that an administrative union "must remain strictly administrative in its nature and in its scope, and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory in the field of political, economic, social and educational advancement, as a distinct entity." At the same time, the Assembly requested the Trusteeship Council to investigate the question of administrative unions in all its aspects. The Council set up a special committee for this purpose, and later submitted a report to the fourth Assembly session, although it had not been able to complete the investigation.

By its resolution of 15 November 1949, the Assembly recommended that the Trusteeship Council complete its investigations and present a special report to the fifth Assembly session. On 11 July 1950, the Trusteeship Council received the report of its Committee on Administrative Unions (T/L.96) and decided to transmit this to the Assembly. The Council also approved a resolution (see pages 181 to 183 of the Trusteeship Council Report (Doc. A/1306)) which submits observations on administrative unions with respect to Cameroons under British administration, New Guinea, Ruanda-Urundi and Tanganyika. The resolution also sets forth a series of safeguards considered necessary to avoid the possibility of any administrative union operating in such a manner as to prejudice the attainment of the objectives of the trusteeship system. The resolution finally established a Standing Committee on Administrative Unions to examine regularly the operation of administrative unions. This Committee, as later set up by the Council, consists of: Argentina, Philippines, New Zealand, and United States.]

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34. Information from non-self-governing territories:

(a) Summary and analysis of information transmitted under Article 73 e of the Charter: report of the Secretary-General.

[NOTE: For the General Assembly and any special committee which it may appoint, the Secretary-General was asked to prepare, during 1949 and every 3 years thereafter, full summaries and analyses of the information transmitted, showing the progress achieved in the non-self-governing territories in the economic, social and educational fields. In the intervening years, annual supplements are to be prepared.

Accordingly, for this year, the Secretary-General has prepared annual supplements, containing summaries of the main statistical changes recorded and of the progress achieved in development plans, as well as analyses on agricultural and economic conditions, public health, labor, social welfare and education in non-self-governing territories.

The Secretary-General has also prepared annual summaries of information voluntarily transmitted under the optional category in relation to the geography, history, people of and human rights in the territories concerned.]

(b) Information transmitted under Article 73 e of the Charter: report of the Special Committee.

[NOTE: Under Article 73 e Member Nations having responsibilities for the administration of non-self-governing territories are required to transmit to the Secretary-General information relating to the economic, social and educational conditions in those territories. At its first, second and third sessions, the General Assembly appointed a Special Committee to examine and report on the information so supplied. At its fourth session, the Assembly decided to constitute a Special Committee on Information Transmitted under Article 73 e for a three year period, consisting of members transmitting information under this Article and of an equal number of non-administering members, elected by the Fourth Committee on behalf of the Assembly on as wide a geographical basis as possible. This Committee, consisting of Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom and United States (members transmitting information) and of Brazil, Egypt, India, USSR, Mexico, Philippines, Venezuela and Sweden (non-administering countries elected) convened at Lake Success on 18 August 1950, and is still in session. It will submit its report to the General Assembly. (For background on the Committee see Press Release TR/476.)]

(c) Election of two members of the Special Committee

[NOTE: Of the elected members on the Committee (see (b) above) four were elected for a term of three years, two for a term of two years, and two for one year. Elections to replace these last two -- Venezuela and Sweden -- will be taken at the coming session.]

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35. Question of South West Africa: advisory opinion of the International Court of Justice (resolution 338 (IV) of 6 December 1949).

[NOTE: An advisory opinion concerning the international status of South West Africa was given by the International Court of Justice on 11 July 1950. ...

This opinion which had been requested by the General Assembly on 6 December 1949 (resolution 338 (IV)), began by answering the general question of what was the international status of the Territory.

The Court was of the unanimous opinion that South West Africa is a territory under international mandate which was assumed by the Union of South Africa on 17 December 1920.

The General Assembly had also requested the Court's opinion on a number of particular questions relating to the international obligations of the Union of South Africa toward the Territory. These questions, together with the Court's opinion, are given below:

- (a) "Does the Union of South Africa continue to have international obligations under the Mandate for South West Africa and, if so, what are these obligations?"

By 12 votes to 2, the Court found that the Union continues to have international obligations as stated in Article 22 of the Covenant of the League of Nations and in the Mandate, as well as the obligation to transmit petitions from the inhabitants of the Territory. The opinion added that supervisory functions are to be exercised by the United Nations to which annual reports and petitions are to be submitted. Reference to the Permanent Court of International Justice is to be replaced by reference to the International Court of Justice under Articles 7 of the Mandate and 37 of the Statute of the International Court of Justice.

- (b) "Are the provisions of Chapter XII of the Charter (International Trusteeship System) applicable and, if so, in what manner, to the Territory of South West Africa?"

The Court was of the unanimous opinion that the provisions of Chapter XII do apply to the Territory in the sense that they provide a means by which the Territory may be brought under Trusteeship. By a vote of 8 to 6, the Court found that the Charter does not impose upon the Union of South West Africa the legal obligation to place the Territory under Trusteeship.

- (c) "Has the Union of South Africa the competence to modify the international status of the Territory of South West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory?"

The Court was of the unanimous opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory. Such competence to determine and modify the international status of South West Africa rests with the Union acting with the consent of the United Nations.

36. Headquarters of the United Nations: report of the Secretary-General
(resolution 350 (IV) of 24 November 1949.)

[NOTE: The report of the Secretary-General has not yet been issued. It will deal with the progress in the construction of the permanent headquarters, the beginning of the transfer of the Secretariat from the interim headquarters to Manhattan, supply of materials and equipment required for the permanent headquarters, and the work of the Board of Art Advisers appointed in March 1950 to advise the Secretary-General on matters of art and on offers of gifts for the permanent headquarters.]

37. Financial reports and accounts and reports of the Board of Auditors:

- (a) United Nations, for the financial year ended 31 December 1949.
- (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949.
- (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950.

[NOTE: These reports will be issued later.]

38. Status of budgetary authorizations for the financial year 1950:

- (a) Statement of 1950 budget expenses to 30 June 1950.
- (b) Advances from the Working Capital Fund: report of the Secretary-General (resolution 358 (IV) of 19 December 1949).
- (c) Unforeseen and extraordinary expenses for 1950: report of the Secretary-General (resolution 357 (IV) of 10 December 1949).
- (d) Supplementary estimates for 1950: report of the Secretary-General.

[NOTE: These reports will be issued later.]

39. Budget estimates for the financial year 1951:

- (a) Budget estimates prepared by the Secretary-General.
- (b) Salary, allowance and leave system of the United Nations: report of the Secretary-General.
- (c) Reports of the Advisory Committee on Administrative and Budgetary Questions.

[NOTE: (a) The Secretary-General's budget estimates for 1951 (Doc. A/1267) set total UN expenditures for 1951 at \$45,450,800 and income at \$6,007,500 which would leave a net expenditure for the year of \$39,443,300. (The approved budget for 1950 was \$41,641,773 (exclusive of \$8,000,000 provided for an international regime for Jerusalem.)

The Advisory Committee's report on the budget estimates (Doc. A/1312) recommends various reductions in the budget estimates to reduce the total expenditures to \$43,827,000 - a reduction of \$1,623,800.

(For a fuller summary on the budget estimates and the Advisory Committee's recommendations thereon, see Press Release ORG/157.)

(b) and (c). The Secretary-General submitted to the last Assembly session a report of a Committee of Experts on Salary, Allowance and Leave Systems, together with his own report on their recommendations which, in the main, he accepted. The Assembly, in approving the 1950 budget, decided that these two reports should be referred to the Advisory Committee on Administrative and Budgetary Questions with the request that it submit its conclusions and recommendations on them to the fifth regular session of the Assembly.

The report of the Advisory Committee (Doc. A/1313) summarizes the recommendations of the Committee of Experts and gives the Advisory Committee's views on the various proposals regarding organization and classification of the staff, salaries, allowances, leave and social security provisions.]

40. Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions (resolution 343 (IV) of 20 October 1949).

[NOTE: In its report (Doc. A/1330), the ten-member Committee on Contributions recommends changes in the scale of assessments for the apportionment of the expenses of the United Nations in the case of 23 members. Slight increases are recommended for Afghanistan, Byelorussia, Canada, Cuba, Czechoslovakia, Greece, Guatemala, India, Pakistan, Poland, Ukraine, USSR, Venezuela, and Yugoslavia. Slight reductions are recommended in the case of Australia, Chile, Egypt, Netherlands, Sweden, Syria, Thailand, and South Africa. In the case of the United States the Committee recommends reducing the assessment from 39.79 to 38.92 percent, a reduction of 0.87 percent. The complete scale of assessments recommended by the Committee for 1951 is given on page 3 of the Report.]

41. Permanent Financial Regulations to the United Nations: report of the Secretary-General.

[NOTE: A proposed set of Permanent Financial Regulations to govern the financial administration of the United Nations, including the International Court of Justice, are set forth in the Secretary-General's report (Doc. A/1331).]

42. Permanent Staff Regulations of the United Nations: report of the Secretary-General.

[NOTE: This report will be issued later.]

43. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly.

(a) Advisory Committee on Administrative and Budgetary Questions.

[NOTE: This is a nine-member committee. Three members retire each year after serving three year terms, and are eligible

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for reappointment. The present members are: Thanassis Agniades (Greece), Andre Ganem (France), William O. Hall (United States), L.C. Hsia (China), Valentin I. Kabushko (USSR), Olyntho P. Machado (Brazil), Sir William Matthews (United Kingdom), Jan Papanek (Czechoslovakia), and N. Sundaresan (India). At the end of this year the terms of office of Mr. Ganem, Mr. Papanek and Mr. Sundaresan expire.

In a note to the Assembly (Doc. A/1318), the Secretary-General suggests that as in previous sessions, the Fifth Committee should recommend persons to fill the three vacancies.]

(b) Committee on Contributions.

[NOTE: This is a ten-member committee, three members of which retire each year in rotation after serving a three year term (four retire every third year). Retiring members are eligible for re-appointment. The present members of the Committee are: Rafik Asha (Syria), H. Campion (United Kingdom), Rene Charron (France), P.M. Chernyshev (USSR), Seymour Jacklin (Union of South Africa), Kan Lee (China), Frank Pace (United States), Josue Saenz (Mexico), Mitchell W. Sharp (Canada), Miss M.Z.N. Witteveen (Netherlands). At the end of this year terms of office of Mr. Rafik Asha, Mr. H. Campion and Miss M.Z.N. Witteveen expire.

In a note to the Assembly (Doc. A/1319), the Secretary-General suggests that as in previous sessions, the Fifth Committee should recommend persons to fill the three vacancies.]

(c) Board of Auditors.

[NOTE: The Board of Auditors consists of three members. At each regular session the Assembly appoints an auditor to take office from 1 July of the following year, and to serve for a period of three years. The election this year will be to fill the vacancy created by the expiry on 30 June 1951 of the term of office of the Auditor-General of Colombia. The Secretary-General suggests (Doc. A/1320) that the Fifth Committee recommend the Member State whose Auditor-General (or officer holding equivalent title) be appointed to fill the vacancy. The present membership of the Committee comprises the Auditors-General of Canada, Colombia and Denmark.]

(d) Investments Committee: confirmation of the appointment made by the Secretary-General.

[NOTE: A draft resolution will be submitted to the Assembly to confirm the appointment of a member to replace Mr. Jacques Rueff, whose three-year term of office expires at the end of this year. The present members of the Investments Committee are: Ivar Rooth, Managing Director of the Bank of Sweden; Leslie R. Rounds, First Vice President of the Federal Reserve Bank of New York; Jacques Rueff, Honorary Governor of the Bank of France.]

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(e) United Nations Administrative Tribunal

[NOTE: At its last session the General Assembly established a United Nations Administrative Tribunal to hear and pass judgment upon applications alleging non-observance of contracts of employment of staff members of the Secretariat, or the terms of appointment of staff members. By the Statute of the Tribunal, this body is composed of seven members, no two of whom may be nationals of the same state. Members are appointed by the General Assembly for three years, except that in the case of those initially appointed, the terms of two members shall expire at the end of one year, and the terms of two members shall expire at the end of two years.

The Committee as appointed last year had the following members: Madame Paul Bastid, Lt. General His Highness Maharaja Jam Shri Digvijayasinhji Sahib, Omar Loutfi, Roland Andrew Egger, Dr. Emilio N. Oribe, Sir Sydney Caine, Dr. Vladimir Outrata.

The Assembly will be called upon at this session to elect three members -- two to fill vacancies by the expiry of the term of office of Sir Sydney Caine and Dr. Vladimir Outrata, who were elected for one year, and the third to replace and complete the term of office of Mr. Omar Loutfi, who was elected for a term of three years but who resigned on 25 May 1950.

The Secretary-General suggests (Doc. S/1321) that the Fifth Committee recommend persons to fill these vacancies.⁷

44. United Nations Joint Staff Pension Fund: annual report of the United Nations Staff Pension Committee.

[NOTE: The report is contained in Document A/1335.]

45. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs: report of the Secretary-General (resolution 353 (IV) of 24 November 1949)

[NOTE: On 2 March 1949 the Economic and Social Council adopted a resolution (201 (VIII)), the last paragraph of which recommended the Secretary-General, in consultation with the Permanent Central Opium Board, to prepare plans for assessing signatories of the 1925 Convention relating to narcotic drugs, who are not Members of the United Nations, for their fair share of the expenses of the Permanent Central Opium Board, and submit such plans to the Fourth Session of the General Assembly.

On 24 November 1949, the General Assembly, in noting this recommendation, requested the Secretary-General:

(1) To undertake a thorough study of this general question, regard being had to the total expenses incurred in connection with the international administration of narcotic drugs and of such other functions or powers, responsibility for which is shared by non-members of the United Nations under existing treaties;

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(2) To submit the results of this study, together with appropriate recommendations for the consideration of the General Assembly at its next regular session.

The Secretary-General's report will be issued later.]

46. Organization of a United Nations postal administration: report of the Secretary-General (resolution 342 (IV) of 20 October 1949).

[NOTE: The Assembly resolution requested the Secretary-General to continue preparations for the establishment of a United Nations Postal Administration. The Secretary-General's report covering negotiations with the United States Postal Authorities which have since been going on, is expected to be published before the opening of the session.]

47. United Nations Telecommunications System: report of the Secretary-General (resolution 240 (III) of 18 November 1948).

[NOTE: At its third session, the Assembly approved in principle the establishment of a United Nations telecommunications system. Reaffirming the United Nations position as an operating agency in the field of international telecommunications, it called upon all Member governments to support at all international telecommunications conferences United Nations requirements for frequencies and services envisaged in the report of the Advisory Committee on United Nations Telecommunications (A/335). It also instructed the Secretary-General to present to the 1950 Assembly session his recommendations for establishing a United Nations telecommunications system.

The Secretary-General's report will be available before the opening of the Assembly.]

48. Convention on the declaration of death of missing persons: report of the Secretary-General (resolution 369 (IV) of 3 December 1949).

[NOTE: In accordance with the Assembly's resolution of 3 December 1949, a United Nations Conference on Declaration of Death of Missing Persons met at Lake Success from 15 March through 6 April 1950 and established and opened for accession the Convention on the Declaration of Death of Missing Persons (Doc. A/CONF.1/9). A roundup of this conference is given in Press Release L/139.

Paragraph 1 of Article 8 of this Convention provides that "there shall be established within the framework of the United Nations an International Bureau for the Declarations of Death. The Secretary-General of the United Nations shall determine its seat, composition, organization and method of operation." Article 15 of this Convention states that "the establishment of the International Bureau provided for in Article 8 shall require the approval of the General Assembly..."

Although the Convention has not yet entered into force the Secretary-General suggests in his report (Doc. A/1329) that it would be advisable for the General Assembly at this session to determine whether to approve the establishment of the Bureau. Assembly approval of the establishment of the Bureau and of the necessary budget, says the Secretary-General, would

enable the Bureau to be set up as soon as the Convention comes into force, thirty days after accession by two States (no accession has yet been received).

The Secretary-General will also submit to the Fifth Committee an estimate of expenditures that might be anticipated should establishment of the Bureau be approved and should the Convention enter into force.]

49. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions: report of the Secretary-General (resolution 362 (IV) of 22 October 1949).

[NOTE: In Paragraph 7 of the above resolution the General Assembly requested the Secretary-General to make the "thorough legal analysis," suggested by the Special Committee on Methods and Procedures of the General Assembly, of the questions raised in paragraph 34 of the report of the Special Committee, and to submit a report to the fifth regular session of the General Assembly.

In paragraph 34 of its report, the Special Committee on Methods and Procedures of the General Assembly noted that the existing rules of procedure do not indicate whether amendments to proposals requiring a two-thirds majority for adoption also have to satisfy the same requirement. Nor, the Special Committee pointed out, do the rules state whether or not, when proposals are voted in parts, each part requires a two-third majority for adoption.

In view of the difficulties which have arisen in the past, the Special Committee stated, and the particular importance of this question which relates to the application and the interpretation of Article 18, paragraphs 2 and 3, of the Charter, the Special Committee recommended that this problem should be examined by the General Assembly with particular care and a final decision reached only on the basis of a thorough legal analysis.]

50. Reparation for injuries incurred in the service of the United Nations: report of the Secretary-General (resolution 365 (IV) of 1 December 1949)

[NOTE: The General Assembly on 1 December 1949, requested the Secretary-General to submit annual reports to subsequent sessions of the General Assembly on the status of claims for injuries incurred in the service of the United Nations.

By the same resolution, the General Assembly authorized the Secretary-General "...to bring an international claim against the Government of a State, Member or non-member of the United Nations, alleged to be responsible, with a view to obtaining the reparation due in respect of the damage caused to the United Nations and in respect of the damage caused to the victim or to persons entitled through him and, if necessary, to submit to arbitration, under appropriate procedures, such claims as cannot be settled by negotiation.

In his report to this Assembly, the Secretary-General gives details of this authorization and lists the following cases of injuries or death of United Nations agents in Palestine:

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(1) The death of Thomas G. Wasson, American Consul General in Jerusalem and a member of the UN Truce Commission, who was shot by a sniper on 23 May 1948 in Jerusalem;

(2) The death of Commandant Rene de Labarriere and the wounding of Commandant Etienne de Canchy, UN observers from France, who were victims of an explosion on 6 July 1948 in the Nazareth region;

(3) The death of Ole Helge Bakke, a member of the UN Secretariat, who was shot by a soldier of the Arab Legion near Jerusalem on 13 July 1948;

(4) The death of Lt. Col. Joseph Queru and Captain Pierre Jeannel, UN observers from France, who were killed at the Gaza airfield on 28 August 1948 by troops under Egyptian command;

(5) The death of Count Folke Bernadotte, UN Mediator in Palestine, and Col. Andre Serot, UN observer from France, who were killed by irregular forces in territory under Israeli control in Jerusalem on 17 September 1948.

The report also covers communications to the Governments of which the victims were nationals, as well as developments in these cases.⁷

51. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act: report of the Secretary-General (resolution 372(IV))--3 December 1949)

[NOTE: On 28 April 1949 the General Assembly adopted certain amendments to the General Act of 26 September 1928 for the Pacific Settlement of International Disputes, with a view to restoring to the Act its original efficacy.

Paragraph 1 of Article 43 of the Revised General Act provides that it shall "be open to accession by the Members of the United Nations, by the non-member States which shall have become parties to the Statute of the International Court of Justice or to which the General Assembly of the United Nations shall have communicated a copy for this purpose."

To this end, Article 46 instructs the Secretary-General to transmit a certified true copy of the Revised General Act to each of the non-member States designated by the General Assembly.

The Secretary-General submitted to the Fourth Session of the General Assembly a report drawing attention to the fact that it rested with the General Assembly to give him such instructions as it might deem fit in this matter.

The General Assembly resolution of 3 December 1949 noted that no Member State had as yet adhered to the Revised General Act, and therefore decided to defer to a later date the consideration of the question relating to non-member States.

In the meantime, two Member States, Belgium and Sweden, have submitted instruments of accession to the Revised General Act. As the Revised General Act provides that it comes into force on the ninetieth day following receipt of the second instrument of accession, and as Sweden had submitted its

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instrument of accession on 22 June of this year, the Revised General Act will come into force on 20 September 1950.

Consequently, the Secretary-General is submitting the above report on the assumption that the General Assembly may now wish to designate the non-member States to which a certified copy of the Revised General Act shall be communicated. (Doc. A/1337) [7]

52. Report of the International Law Commission on the work of its second session

[NOTE: In its report (Doc. A/CN.4/34) the International Law Commission, which held its second session in Geneva from 5 June through 29 July of this year, submits the following three items on which it completed its study, for General Assembly consideration:

- (1) Ways and means for making the evidence of customary international law more readily available;
- (2) Formulation of the principles of international law recognized in the Charter of the Nurnberg Tribunal and in the judgment of the Tribunal;
- (3) Desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction will be conferred upon that organ by international conventions.

The report also relates progress on questions on which the Commission is still working:

- (1) Preparation of a draft code of offences against the peace and security of mankind;
- (2) Law of Treaties;
- (3) Regime of the high seas;
- (4) Arbitral procedure.

The International Law Commission was established by the General Assembly in 1947. It consists of 15 international jurists who were elected by the General Assembly at its third session in 1948. [7]

53. Draft Declaration on Rights and Duties of States: report of the Secretary-General (resolution 375 (IV) of 6 December 1949).

[NOTE: By the above resolution the General Assembly, amongst other matters, resolved to transmit to Member States for consideration, the draft Declaration on Rights and Duties of States which had been prepared by the International Law Commission and submitted by it to the General Assembly, together with relevant documentation, with a request that Member States furnish their comments and suggests by 1 July 1950.

It also requested Member States to furnish at the same time comments on the following questions:

- (a) Whether any further action should be taken by the General Assembly on the draft Declaration;
- (b) If so, the exact nature of the document to be aimed at and the future procedure to be adopted in relation to it.

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The General Assembly also requested the Secretary-General to prepare and publish the suggestions and comments submitted by Member States, for such use as the General Assembly may find desirable.

Pursuant to this resolution, the Secretary-General communicated to all Members of the United Nations, the documentation produced during the fourth session of the General Assembly relating to the draft Declaration and requested them to submit their comments and observations by 1 July 1950.

The report of the Secretary-General contains the replies received by 15 August from Member States, namely from the Governments of Argentina, Brazil, Canada, Egypt, France, India, Israel, Syria and the United Kingdom.

54. Draft rules for the calling of non-governmental conferences: report of the Secretary-General (resolution 367 (IV) of 3 December 1949).

[NOTE: The Secretary-General was requested by this resolution "to prepare, after consulting the Economic and Social Council, draft rules for the calling of non-governmental conferences, with a view to their study by the General Assembly."

On 20 July 1950, the Economic and Social Council approved a set of draft rules (Doc. E/1788), and recommended the Secretary-General to submit these to the General Assembly.

The proposed rules would authorize the ECOSOC, after consultation with the Secretary-General, to call a non-governmental conference on any matter within its competence; to prescribe the terms of reference, fix the date, place and duration of the conference, prepare its provisional agenda, decide who shall be invited, make recommendations for financing and other arrangements as it sees fit.

The Secretary-General would notify all UN Members of any such conference, send them copies of the agenda, and inform them of the invitations issued.

55. Registration and publication of treaties and international agreements: report of the Secretary-General.

[NOTE: The report of the Secretary-General on this item will be issued later.]

56. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America: report of the Secretary-General.

[NOTE: The report of the Secretary-General on this item will be issued later.]

57. Reservations to multilateral conventions: item proposed by the Secretary-General.

[NOTE: The report of the Secretary-General on this item will be issued later.]

58. Treatment of people of Indian origin in the Union of South Africa:item proposed by India

[NOTE: In a letter dated 10 July 1950, India requested the inclusion of this item in the provisional agenda for the coming session of the General Assembly (Doc. A/1289). The letter recalled that this issue had been before the Assembly since 1946, and that in its resolution of 14 May 1949 the Assembly had invited the Governments of India, Pakistan and the Union of South Africa "to enter into discussion" of the issue "at a round-table conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights." Preliminary talks were held in Capetown in February 1950, says the letter, at which the parties agreed "to convene a round-table conference to explore all possible ways and means of settling the Indian question in South Africa." However, the letter continued, the Union of South Africa had "resorted to new anti-Indian measures" since then, and seemed "bent upon proceeding with its policy of 'apartheid' or segregation." As a result of these developments, the Government of India had decided that it could not participate in the proposed round-table conference, and had brought the problem to the United Nations. The position of the Indians in South Africa had not improved in any manner since the issue was last discussed in the Assembly, and had even "deteriorated, as a result of the Group Areas Act and the intensification by the Government of the Union of South Africa of its policy of racial segregation," the letter said.

In a 46-page printed booklet, issued separately, the Government of India describes developments since the Assembly resolution of 14 May 1949, and reprints the exchange of correspondence between the parties on this matter.]

59. Permanent invitation to the Arab League to attend sessions of theGeneral Assembly: item proposed by Syria.

[NOTE: So far the only documentation on this item is the letter from the Syrian Delegation (Doc. A/1290) requesting inclusion of the above item on the agenda.]

60. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy: item proposed by Egypt.

[NOTE: Egypt submitted this item on 12 July (Doc. A/1291). Annex XI of the Treaty is entitled "Joint Declaration by the Governments of the Soviet Union, of the United Kingdom, of the United States of America and of France Concerning Italian Territorial Possessions in Africa." Paragraphs 2 and 3 read as follows:

"(2) The final disposal of the territories concerned and the appropriate adjustment of their boundaries shall be made by the Four Powers in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of other interested Governments.

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"(3) If with respect to any of these territories the Four Powers are unable to agree upon their disposal, within one year from the coming into force of the Treaty of Peace with Italy, the matter shall be referred to the General Assembly of the United Nations for a recommendation, and the Four Powers agree to accept the recommendation and to take appropriate measures for giving effect to it." (See also the annotation to item #21 of the provisional agenda.)

61. Development of a 20-year program for achieving peace through the United Nations: item proposed by the Secretary-General.

[NOTE: On 6 June 1950 the Secretary-General circulated to all Member States his "Memorandum of points for consideration in the development of a 20-year program for achieving peace through the United Nations." In a covering letter the Secretary-General said that the "deterioration of relations between leading members of the United Nations has created a situation of most serious concern for the United Nations and the future peace of the world." He had for this reason felt it to be his duty "to suggest means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the present conflict and to enable a fresh start to be made toward eventual peaceful solutions of outstanding problems." That, he said, was the object of his memorandum, which he had personally handed to President Truman, Prime Minister Attlee, Prime Minister Bidault and Generalissimo Stalin during the course of his trip to various capitals in April and May. (Details of Mr. Lie's visit to the various capitals are given in Note to Correspondents #144).

In the memorandum itself, the Secretary-General enumerated the following 10 points for consideration in the formulation of such a program:

"1. Inauguration of periodic meetings of the Security Council, attended by Foreign Ministers, or Heads or other members of Governments, as provided by the United Nations Charter and the rules of procedure; together with further development and use of other United Nations machinery for negotiation, mediation and conciliation of international disputes.

"2. A new attempt to make progress toward establishing an international control system for atomic energy that will be effective in preventing its use for war and promoting its use for peaceful purposes.

"3. A new approach to the problem of bringing the armaments race under control, not only in the field of atomic weapons, but in other weapons of mass destruction and in conventional armaments.

"4. A renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions.

"5. Acceptance and application of the principle that it is wise and right to proceed as rapidly as possible toward universality of membership.

"6. A sound and active program of technical assistance for economic development and encouragement of broad-scale capital investment, using all appropriate private, governmental and intergovernmental resources.

"7. More vigorous use by all Member Governments of the specialized agencies of the United Nations to promote, in the words of the Charter, 'higher standards of living, full employment and conditions of economic and social progress.'

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"8. Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world.

"9. Use of the United Nations to promote, by peaceful means instead of by force, the advancement of dependent, colonial or semi-colonial peoples toward a place of equality in the world.

"10. Active and systematic use of all the powers of the Charter and all the machinery of the United Nations to speed up the development of international law toward an eventual enforceable world law for a universal world society."

The item was submitted for the agenda of the Assembly on 26 July (Doc. A/1304).]

62. Recognition by the United Nations of the representation of a Member State: item proposed by Cuba.

[NOTE: In an explanatory memorandum (Doc. A/1308), the Cuban Delegation recalls the discussion which took place, on the initiative of the Representative of India, in the Security Council and its Committee of Experts, on the subject of representation and credentials. The Security Council's Committee of Experts agreed that "it would be desirable to establish some uniform procedure which could be adopted by all the organs of the United Nations in order that the chances of conflicting decisions might be minimized." Nevertheless, it was the opinion of the majority of the Committee of Experts "that the question under consideration was of such a nature that the General Assembly should be the organ of the UN to initiate the study and to seek uniformity and coordination with regard to the procedure governing representation and credentials."

The Cuban memorandum explained that the proposed item does not refer only to the formal problem of credentials, but to the problem that arises with regard to the legality of the representation of a member state; that is, when the United Nations has to decide which government has the right to represent that state in the Organization. The Charter, continued the memorandum, makes no provision for such situation, nor does the Rules of Procedure of the main organs give any standards by which it may concretely and specifically be solved. The only questions which existing rules provide for and solve, says the memorandum, are those that may arise in regard to the validity of the credentials or powers of the representative or delegate of the government of a member state "and not the question that may arise in regard to its representation when the legality of the said representation is for some reason seriously impugned in the United Nations. It is for the solution of these cases that the General Assembly should provide a uniform procedure for the whole organization."]

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[ITEMS ON THE SUPPLEMENTARY LIST ARE GIVEN IN SUBSEQUENT PAGES]

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SUPPLEMENTARY LIST OF ITEMS FOR THE AGENDA OF
THE FIFTH REGULAR SESSION

1. Admission of new Members to the United Nations: item proposed by El Salvador

[NOTE: El Salvador submitted this item on 28 July (Doc. A/1309). In an explanatory memorandum, dated 10 August, El Salvador expressed "the firm determination to request the admission to the United Nations of certain sister peoples such as those of Italy, Portugal and Ireland, three peace-loving nations whose admission, if recommended by the Security Council and approved by the General Assembly, would be a legitimate triumph for the cause of the United Nations, particularly in these tragic times when fate is once more scourging humanity on the terrible battlefields of Korea" (Doc. A/1315).

Italy, Portugal and Ireland are three of the nine countries regarding which the General Assembly adopted identical resolutions on 22 November 1949. In each case the Assembly requested the Security Council to reconsider the application of that country in the light of the Assembly's determination that the country is "a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations." The other six are Austria, Ceylon, Finland, Jordan, the Republic of Korea and Nepal.

At the same time, the General Assembly adopted two more resolutions on the question of the admission of new members to the United Nations, making 11 resolutions in all. Resolution (J) requested the International Court of Justice for an advisory opinion (see annotation to Item 19 of the provisional agenda). Resolution (K) requested the permanent members of the Security Council to refrain from the use of the veto in connection with the recommendation of States for membership in the United Nations. It also requested the Security Council to "keep under consideration, in the light of Article 4 (1) of the Charter, the pending applications of all States which so far have not gained admission to the United Nations."

In addition to the nine listed above, the following applicants have so far not gained admission: Albania, Bulgaria, Hungary, the Mongolian People's Republic and Romania.

Article 4, Paragraph 1 of the Charter reads as follows: "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."

2. Relations of States Members of the United Nations with Spain: item proposed by the Dominican Republic.

[NOTE: In an explanatory memorandum (Doc. A/1314), the Dominican Republic states that it believes it necessary to review the situation created by the Assembly resolution of 12 December 1946 in the light of experience gained since that date, and especially as regards diplomatic relations. The Dominican delegation hopes that such a review and discussion "will give rise to a balance of opinion favorable to a suggestion which it is proposed to make in order that these relations may continue in a normal manner in the future."

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The operative part of the Assembly resolution adopted on 12 December 1946 by a roll call vote of 34 in favor, 6 against with 13 abstentions, reads:

"THE GENERAL ASSEMBLY,

"CONVINCED that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

"RECOMMENDS that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

"THE GENERAL ASSEMBLY

"FURTHER, desiring the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

"RECOMMENDS that if, within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation;

"RECOMMENDS that all Members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there.

"THE GENERAL ASSEMBLY FURTHER RECOMMENDS that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation."

At the second regular Assembly session, in 1947, the First (Political) Committee agreed to a resolution, one paragraph of which would have had the Assembly reaffirm the resolution of 12 December 1946. However, in plenary meeting, this part of the Committee's resolution failed to secure the requisite two-thirds majority; the vote being 29 for, 16 against, with 8 abstentions.

The remaining part of the resolution which was adopted by the Assembly on 17 November 1947 by 29 votes to 6 with 20 abstentions, expressed the Assembly's confidence "that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation in regard to Spain so requires."

This resolution was placed on the provisional agenda of a Security Council meeting of 25 June 1948, but by a vote of 2 in favor (Ukraine and USSR) with 1 against (Argentina), and 8 abstentions, the Council then decided not to include the item in its agenda.

The question of Spain was raised again at the third regular session of the General Assembly and was discussed at the second part of that session in May 1949. The item had been placed on the agenda by Poland.

On 4 May, the delegations of Bolivia, Brazil, Colombia and Peru submitted a draft resolution to the First Committee which called upon the Assembly to decide "without prejudice to the declarations contained in the

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resolution of 12 December 1946 to leave Member States full freedom of action as regards their diplomatic relations with Spain."

On 5 May, Poland submitted a draft resolution calling upon Member nations "to comply with the letter and spirit" of the pronouncements, declarations and resolutions of the General Assembly and which recommended all Member states, as a first step "to forthwith cease to export to Spain arms and ammunition as well as all warlike and strategic material" and to refrain from entering into agreements with Franco Spain.

The First Committee adopted the joint proposal by 25 votes to 16 with 16 abstentions. All paragraphs of the Polish draft were rejected in separate votes and no vote was taken on the draft as a whole.

However, the First Committee's resolution failed to secure the requisite two-thirds majority when it came before the plenary meeting. The vote then (on 16 May 1949) was 26 in favor, 15 against with 16 abstentions).

The question of Spain was not included in the agenda of the last (Fourth) regular Assembly session. (see also Item 10 of the Supplementary List)./

3. Draft First International Covenant on Human Rights and measures of implementation: item proposed by the Economic and Social Council.

[NOTE: In 1948, when the General Assembly adopted the Universal Declaration of Human Rights, this was done with the understanding that the Declaration would be followed up with one or more international covenants which would give the force of law to as many as possible of the rights proclaimed in the Declaration.

By this summer, the work of drafting the First International Covenant on Human Rights and devising means to enforce its observance had reached the stage where the Economic and Social Council had before it a draft consisting of a preamble and 43 articles. The first 18 articles of this draft, which had been prepared by the Council's Commission on Human Rights, outlined the rights and obligations themselves. The remaining articles dealt with provisions for ensuring the observance of these rights and obligations by governments accepting the covenant.

During the consideration of this draft by the Economic and Social Council, a difference of opinion arose as to what should be done next with the draft covenant. Some delegations, including those of the United States, Chile and Peru, felt that, despite its admitted shortcomings, the draft covenant should now be submitted to the General Assembly as it represented the maximum agreement it had been possible to reach in the Human Rights Commission. Others, in particular the delegation of France, thought that, because of its inadequacies, the draft should be referred back to the Human Rights Commission for further consideration and submission to the General Assembly in 1951.

A compromise procedure was finally adopted. The Council decided to transmit the Draft First Covenant on Human Rights, together with relevant documentation and records, to the forthcoming session of the General Assembly with a view to having the Assembly decide on certain questions of policy. It also requested the Commission on Human Rights to reconsider the Draft Covenant afterwards, in the light of the Assembly's directives, and to submit a revised Draft Covenant to the 13th session of the Economic and Social Council next summer.

These are the question of policy on which the General Assembly is asked to pronounce itself:

- (1) The general adequacy of the first 18 articles of the present draft.
- (2) The desirability of including special articles in the application of the Covenant to federal states and to non-self-governing and trust territories.
- (3) The desirability of including articles on economic, social and cultural rights.
- (4) The adequacy of the articles relating to implementation.⁷

4. Draft Convention relating to the status of refugees: item proposed by the Economic and Social Council.

[NOTE: In the summer of 1949, the Economic and Social Council set up an ad hoc Committee on Statelessness and Related Problems, charged with the task of considering whether a revised world wide convention on refugees and stateless persons was desirable and, if so, to prepare the text of an appropriate convention. The ad hoc Committee did decide that such a convention was desirable and this summer, a year after the Committee was set up, the Economic and Social Council had before it the result of the Committee's work: a Draft Convention Relating to the Status of Refugees and a Protocol on Statelessness.

The Council agreed at its last session that it should not itself attempt a detailed re-draft of the proposed instruments, but should take specific decisions on a definition of the term "refugee" as it should be understood in the draft Convention (see Note on Item 32b), and should adopt a Preamble to the Convention. It further decided that the ad hoc Committee should then be reconvened in Geneva to revise the draft agreements in the light of comments made in the Council's debate, using, however, the definition of "refugee" as established by the Council and the Preamble adopted by the Council. Provision was also made for governments especially interested to make comments and suggestions.

The drafts of the two instruments, as thus revised will be submitted to the forthcoming session of the General Assembly.⁷

5. Long-range activities for children. Establishment of United Nations International Children's Endowment Fund: item proposed by the Economic and Social Council.

[NOTE: On 11 August 1950 the Economic and Social Council adopted a resolution (Doc. E/1821) resolving that "with a view to ensuring the uninterrupted continuation and development of the activities of the International Children's Emergency Fund, there should be continued a United Nations fund for children, to be known as the United Nations International Children's Endowment Fund (UNICEF) for the purpose of (a) providing supplies, training services, and advisory assistance in support of the recipient countries' permanent programs for children, and (b) meeting relief needs in cases of serious emergencies."

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The resolution also set forth provisions for the establishment of a United Nations Children's Board, composed of the governments represented on the Social Commission (membership of the Social Commission on 1 January 1951 will be: Australia, Belgium, Bolivia, Brazil, Byelorussia, Canada, China, Ecuador, France, India, Israel, New Zealand, Turkey, United Kingdom, Union of South Africa, USSR, United States and Yugoslavia), and of other governments not necessarily members of the United Nations, designated by the ECOSOC. The Board would formulate the policies including termination of programs and allocation of funds, under which the Fund is administered. Close collaboration would be maintained between the Fund and the specialized agencies. The Executive Director of the Fund would be appointed by the Secretary-General, after consultation with the Board, and would be responsible to him. Administrative expenses of the Fund would be covered by appropriations in the regular budget of the UN, while operational activities of the Fund, including the costs of its field missions, would be financed from a special account to which would be credited all voluntary contributions from public or private sources. All these proposals would become effective as of 1 January 1951.

This ECOSOC resolution was adopted by a vote of 8 to 0, and 5 abstentions (Australia, Canada, Denmark, Pakistan and United Kingdom). All those who abstained had made it clear in the Council's discussions that they feared the possible financial implications of the proposed terms of reference of the Fund. Some had opposed making UNICEF a permanent organization.

The ECOSOC resolution requested the Secretary-General to prepare a draft resolution embodying the proposals it had set forth for presentation to the General Assembly.

6. Technical assistance for Libya after achievement of independence:
item proposed by the Economic and Social Council.

[NOTE: On 15 August 1950 the Economic and Social Council adopted two resolutions dealing with economic development and social progress of the former Italian colonies. The first recalls the Assembly's resolution of 17 May 1949 which recommended that the ECOSOC, in studying and planning its activities in connection with economically under-developed regions and countries, take into consideration the problems of economic development and social progress of the former Italian colonies, and transmits this resolution to the Secretary-General, to the executive heads of the appropriate specialized agencies, and to the Technical Assistance Board for guidance when requests for technical assistance are received from the administering authorities of the former Italian colonies.

The second ECOSOC resolution dealing specifically with Libya, recognizes "that the people of Libya stand in great need of assistance in the development of their economy and in the establishment of an efficient public administration in order to create an independent and economically viable state," and draws attention of the Secretary-General, the executive heads of the specialized agencies, and the Technical Assistance Board to the special need for early action in Libya. The resolution also requests the Secretary-General to present to the coming Assembly session the specific proposals as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized

agency participating in the expanded program of technical assistance. By its resolution of 21 November 1949, the Assembly decided that Libya shall be independent by 1 January 1952.

7. Freedom of Information

- (a) Interference with radio signals (Economic and Social Council resolution 306 B (XI)): Item proposed by the Economic and Social Council.

[NOTE: At its eleventh session, the ECOSOC, on the basis of a resolution adopted by the Sub-Commission on Freedom of Information and of the Press at its fourth session in Montevideo, May 1950, approved a resolution on "jamming." This recalls that freedom to listen to radio broadcasts, regardless of source, is embodied in Article 19 of the Universal Declaration of Human Rights, and that Article 44 of the International Telecommunication Convention of 1947 provides that all stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other Members or Associate Members. The resolution goes on to state that duly authorized radio operating agencies in some countries "are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories" and declares this type of interference to be a violation of the accepted principles of freedom of information. It then condemns all measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers; transmits to the General Assembly the records of the Council's discussion on the subject, and "Recommends to the General Assembly that it call upon all Member Governments to refrain from such interference with the right of their peoples to freedom of information."]7

- (b) Question of the freedom of information and of the press in times of emergency (Economic and Social Council resolution 306 C (IX)): item proposed by the Economic and Social Council.

[NOTE: In another resolution based on a decision of the Sub-Commission on Freedom of Information and of the Press, the eleventh session of ECOSOC recommended the General Assembly to adopt a resolution which would urge all Member States that when they are compelled to declare a state of emergency, measures to limit freedom of information and of the press shall be taken "only in the most exceptional circumstances and then only to the extent strictly required by the situation."]7

8. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace: item proposed by Chile.

[NOTE: This item was submitted by the Delegation of Chile on 17 August 1950 (Doc. A/1317) in a letter which stated that an explanatory memorandum would follow. This has still to be issued.]7

9. Palestine

- (a) Repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question; item proposed by Egypt, by Iraq, by Saudi Arabia and by Syria.

[NOTE: In similar telegrams dated 17 and 18 August (Docs. A/1323, 1324, 1325, 1326) Egypt, Syria, Iraq and Saudi Arabia informed the Secretary-General that the Political Committee of the Arab League had unanimously agreed that request be made for the inclusion of this item on the Assembly agenda, in addition to those already included under the heading of Palestine (Item No. 20 of the Provisional Agenda—see note on Page 6 above).

At its Third Regular Session, when establishing the Conciliation Commission for Palestine (Resolution 194 (III)), the Assembly resolved that "the refugees wishing to return to their homes and live at peace with their neighbors, should be permitted to do so at the earliest practicable date, and that compensation to be paid for the property of those choosing not to return, and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible."

At its Fourth Regular Session, the Assembly adopted a resolution (302 (IV)) on assistance to Palestine refugees, which established the UN Relief and Works Agency for Palestine Refugees in the Near East.]

- (b) Report of the United Nations Conciliation Commission for Palestine.

[NOTE: On 11 December 1948 the Assembly established a Conciliation Commission for Palestine composed of France, Turkey and the United States of America. The Commission was to assume, insofar as it considered necessary, the functions previously given to the UN Mediator on Palestine and instructed the Commission, inter alia, to take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them.

Since the Fourth Assembly session to date, the Commission has issued three progress reports: its Fifth Report covering the period 16 September to 9 December 1949 (Doc. A/1252); its Sixth Report covering the period 9 December 1949 to 8 May 1950 (Doc. A/1255); and its Seventh Report for the period 8 May to 12 July 1950 (Doc. A/1288).

The Sixth Report gave the Commission's proposals for the formation of mixed committees on which would be represented the countries interested in the questions under discussion, and each of these mixed committees would have a definite and precise task. The Commission's proposals, it was stated, took into account the repeated requests of the Arab States for mediation and the Israeli request for direct negotiations. The reply of the Arab States included a request to the Commission to persuade the Israeli Government to accept the provisions of the Assembly resolution of 11 December 1948, and in particular, those governing the return of refugees, and to put these provisions into effect. The Israeli reply declared readiness to negotiate a peace settlement with the Arab States directly, with the understanding

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that the parties to this negotiation would be the delegations of Israel and of the Arab States. The Commission would act as a "harmonizing" agent between the parties by offering them its good offices (Press Release PAL/563).

In its Seventh Report, the Conciliation Commission made public the exchange of notes between itself and the Arab States and Israel which led to the abandonment, for the time being, of efforts to establish mixed committees for direct negotiations between the parties (Press Release PAL/568).

At the beginning of August, the Commission returned to Jerusalem from Geneva, and resumed first hand contacts with interested governments in the Middle East, discussing with them possible ways in which its tasks could be carried out. It met with representatives of Egypt on 10 August, of Jordan on 13 August, of Israel on 17 August, of Syria on 24 August, of Lebanon on 25 and 26 August. A second meeting with the Israeli Foreign Minister was held on 30 August. During its stay in the Middle East, the Commission also conferred with the Director of the UN Relief and Works Agency, Howard Kennedy.

A meeting with Turkish representatives in Ankara was scheduled for 4 September. The Commission will reconvene at Lake Success on 2 October.

10. Relations of States Members and specialized agencies with Spain: item proposed by Peru.

NOTE: In communicating this item for inclusion in the Supplementary List, the Delegation of Peru attached a draft resolution submitted jointly by Peru and Bolivia. This draft (Doc. A/1334) recalls that the Security Council which was made responsible for the observation of the Spanish question, decided on 26 June 1948 not to include the item on its agenda "which implies that the Spanish question does not involve any threat to the peace;" that in 1947 the proposal to confirm the Assembly resolution of 12 December 1946 (see also annotation to item 2 of the Supplementary List above) did not obtain the required two-thirds majority and says "that an obligation subject to confirmation cannot be deemed to have effect if it is not supported by the two-thirds majority which established it..." and that "in virtue of the foregoing reasons the countries represented in the United Nations have regarded the recommendation of 12 December 1946 as virtually revoked and have sent Ambassadors and Ministers to Spain." The majority of Members have maintained normal relations with Spain, continues the draft resolution, which proposes that, as in the present world situation, international security requires the close co-operation of all peace-loving countries, and consequently the normalization of relations with Spain, the Assembly decide "to leave States Members of the United Nations full freedom of action with regard to their diplomatic relations with Spain and to consider inoperative the exclusion of Spain from specialized technical agencies dependent on the United Nations."

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11. Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory: item proposed by Australia, the United Kingdom and the United States of America.

[NOTE: The three countries submitting this item declared in a joint memorandum, issued 25 August 1950, that at the end of hostilities in Europe and in the Far East in 1945, large numbers of military personnel of the various nationalities were in the hands of the Allied Powers. "The prompt repatriation of these prisoners was demanded by accepted international practice and no less by the elementary principles of humanity." It recalls the agreements entered into by the Allied Powers to repatriate prisoners of war and adds: "The Soviet Union has not complied fully with these agreements." Evidence exists, the memorandum continues, to show that Soviet statements that the USSR had completed repatriation of all Japanese and German prisoners of war, except for persons detained in connection with war crimes or on account of illness, "are not true." Since efforts by the Governments having control responsibility in Germany and Japan to get Soviet agreement to the designation of an international humanitarian body which should make a thorough examination of the repatriation program at first hand have failed, says the memorandum, "the Governments of Australia, the United Kingdom and the United States now consider it essential to place the matter before the General Assembly under Articles 10, 14 and 1(3) of the Charter. The three Governments hope that the General Assembly will consider means whereby full information on all these persons may be obtained and the repatriation of all those now living may be secured."]7

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